

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

RONALD S. GRAY

V

No. 10-0288

PEOPLES GAS LIGHT AND COKE

COMPANY

Complaint as to billing/
charges in Chicago, Illinois.

Chicago, Illinois

October 19, 2010

Met pursuant to notice at 11:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES :

MS. GWENDOLYN D. ANDERSON
6727 South Euclid Avenue
Chicago, Illinois 60649
appeared for the Complainant;

MR. MARK L. GOLDSTEIN
3019 Provident Circle
Mundelein, Illinois 60060
for the Respondent, telephonically.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Examiner</u>
NONE					

E X H I B I T S

<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 JUDGE RILEY: Pursuant to the direction
2 of the Illinois Commerce Commission, I
3 call Docket 10-0288. This is a complaint by
4 Ronald S. Gary versus Peoples Gas Light and Coke
5 Company, as to billing and charges in Chicago,
6 Illinois.

7 Ms. Anderson, you are here on behalf
8 of Mr. Gary, is that correct?

9 MS. ANDERSON: That is correct.

10 JUDGE RILEY: Would you state your name and
11 address.

12 MS. ANDERSON: Gwendolyn Anderson, 6727 South
13 Euclid, 60649, Chicago.

14 JUDGE RILEY: Thank you.

15 Mr. Goldstein?

16 MR. GOLDSTEIN: Yes.

17 On behalf of The Peoples Gas Light and
18 Coke Company, Mark L. Goldstein, 3019 Province
19 Circle, Mundelein, Illinois.

20 I have with me today Teresa Barragan
21 of Peoples Gas.

22 JUDGE RILEY: Thank you.

1 And at this point we are at the --
2 this matter was set for status. We had convened on
3 September 8th. I have in my notes that Peoples Gas
4 was going to provide an accounting.

5 Can the parties advise me where we
6 stand now.

7 MS. ANDERSON: Well, on behalf of Mr. Gary I had
8 an opportunity to fully review this file and also to
9 review, more than one time, the letter that was
10 mailed to me by opposing Counsel on the 18th of
11 August in response to my demand for settlement.

12 I reviewed everything. And it seems
13 to me as though -- I wouldn't even talk to Mr. Gary,
14 apparently he's out of town on business and will be
15 returning this week.

16 Apparently it looks like -- I do have
17 a settlement offer here, which I think I need some
18 explanation from -- of, rather, from opposing
19 Counsel, but that can be done off the record,
20 really, because I don't understand some of the --
21 the second page of your letter, where you finally
22 say 1, 2 and 3, et cetera, et cetera.

1 This is what it looks like to me, your
2 Honor, it looks like it boils down -- my client
3 contends that he's not the owner of this property
4 and therefore he is not -- he should be for all the
5 fines that he paid in reference to the shutoff of
6 the gas two times.

7 JUDGE RILEY: That's something new then because
8 it doesn't say anything in his complaint about not
9 being the owner of the property.

10 MS. ANDERSON: Well, I say this to you, he
11 didn't say that, but we can always amend the
12 complaint. But what it really boils down to, if I
13 look at this, the issue of responsibility as to
14 ownership, that's what it boils down to.

15 I reviewed his -- he has several
16 complaints. I don't know which one you're referring
17 to. Maybe you should explain -- show me the one --

18 JUDGE RILEY: The one that I have -- the only
19 one that was filed with the Commission is this one
20 right here (indicating).

21 MS. ANDERSON: Let me see that one.

22 He did a lot of filing in writing.

1 This I don't have.

2 What I have is is information that
3 really amounts to this.

4 JUDGE RILEY: It's available on our Web site.

5 MS. ANDERSON: I'm sure I can find it, your
6 Honor. I have no problem looking it up. But I
7 reviewed what I had in the file that he gave me.

8 To be quite candid with you, I read
9 Mr. Goldstein's letter -- I'll give this back to you
10 because I know -- even though I don't have that, the
11 assessments of all of the letters he wrote are
12 consistent with what you have there (indicating).

13 JUDGE RILEY: Okay.

14 MS. ANDERSON: Well, as we know, even under the
15 rules of evidence, you can amend a complaint at any
16 time. I want to resolve this, I'll be honest with
17 you, because it's not worth a lot of effort on my
18 point (sic) to continue to come back.

19 What I'd like to do is let Mr. Gary
20 review this letter again that I received from
21 Mr. Goldstein in August, I received it on a
22 vacation, and had him look at it at the time and

1 discuss it with him and see what we can come up
2 with.

3 Now, the way that I look at this, and
4 maybe Counsel can advise me, I don't understand
5 Page 2 of your letter, where you say -- well, it
6 appears in this case that Mr. Gary, the bills are
7 all in his name from -- I went back as far as 2009
8 and I saw Peoples Gas billed him at his address over
9 in Calumet City for the properties in Chicago.

10 I also became aware that there was an
11 effort made to have LEAP by the bill but it was
12 denied by Peoples Gas because Peoples Gas had
13 incorrectly classified this property as commercial
14 property.

15 So in reviewing Mr. Goldstein's
16 letter, it indicated that there had been a credit
17 for that, is that --

18 MR. GOLDSTEIN: Judge, you know, if we're going
19 to talk about settlement terms, I would prefer that
20 those settlement terms be discussed off the record.

21 MS. ANDERSON: That's fine with me.

22 MR. GOLDSTEIN: What the Company may be willing

1 to settle for, prior to evidentiary hearing, is, you
2 know, the business of the Company. What the Company
3 may be willing to settle for, if it goes to
4 evidentiary hearing, may be two different things.

5 MS. ANDERSON: Well, I'll tell you the truth,
6 Mr. Goldstein, I've gone through this and -- it
7 doesn't matter with me, it's what Mr. Gary wants to
8 do. He wants an evidentiary hearing, I'll do it,
9 but I don't like to do something that I think is
10 useless.

11 MR. GOLDSTEIN: I think what we ought to do,
12 Ms. Anderson, with all due respect, is set this
13 matter out for about 30 days for an evidentiary
14 hearing. You've had more than 30 days from the last
15 status hearing to discuss the letter that I sent
16 you, which proposes settlement. You also had the
17 opportunity to go through every single document that
18 Ms. Barragan provided to you at the last status
19 hearing. I don't see any point in having another
20 status hearing.

21 MS. ANDERSON: Let me just say this to you --

22 MR. GOLDSTEIN: I think we ought to just set it

1 for trial.

2 MS. ANDERSON: No problem with that.

3 MR. GOLDSTEIN: If it settles between now and
4 the trial date that's perfectly fine.

5 MS. ANDERSON: Let me clear myself up with you
6 though, however. I have reviewed this file. You
7 sent this letter to me when I was going on vacation.
8 I discussed it with Mr. Gary. He's reviewed it. He
9 wasn't satisfied with it at that point.

10 MR. GOLDSTEIN: Well --

11 MS. ANDERSON: Let me finish, please. I
12 listened to you.

13 It's my opinion at this point, I'd
14 like to discuss it with him again with the intent of
15 trying to settle this case. And that was my purpose
16 of -- I spoke with you on Wednesday about this. And
17 I called him on Thursday but he was out of town, so
18 I had no time to discuss it.

19 You can set it for hearing. It
20 doesn't matter with me. If we could settle it, I
21 certainly would like to do that. I wouldn't like to
22 prepare for an evidentiary hearing if we could

1 settle something. That's my position.

2 So in reviewing this record, I've
3 reviewed the file, that's not an issue.

4 JUDGE RILEY: Well, it seems to me it's either
5 going to settle or it's going to go to hearing. So
6 I'm inclined to agree with Mr. Goldstein to set an
7 evidentiary hearing date 30 to 40 days out and then
8 let the parties talk among themselves --

9 MS. ANDERSON: Fine.

10 JUDGE RILEY: -- between themselves to see if
11 they can resolve the matter in the meantime.

12 MS. ANDERSON: That's fine with me.

13 JUDGE RILEY: So if the matter does not resolve,
14 we have a set hearing date and we can proceed at
15 that time.

16 MS. ANDERSON: That's fine with me. I don't
17 mind. That's exactly what I'd like. Because I am
18 for expeditiously resolving this issue. This is my
19 second appearance here and I don't want to make it
20 my sixth appearance.

21 JUDGE RILEY: Right, I understand.

22 MS. ANDERSON: That's fine with me. I try cases

1 everyday.

2 What do you have in mind, your Honor?

3 40 days out would probably be better

4 for me.

5 JUDGE RILEY: That would take us to the end of

6 November.

7 MS. ANDERSON: No, I take vacation in December.

8 That would be the end after Thanksgiving, I take

9 vacation on that time period.

10 MR. GOLDSTEIN: What day is good for you,

11 Ms. Anderson?

12 MS. ANDERSON: I'm looking. When is

13 Thanksgiving? Thanksgiving is the 25th.

14 How long do you propose this

15 evidentiary hearing would take if we do it, two or

16 three days?

17 JUDGE RILEY: Oh, no, no.

18 MS. ANDERSON: You don't do them that long here?

19 JUDGE RILEY: I would say --

20 MR. GOLDSTEIN: A couple of hours.

21 JUDGE RILEY: Right.

22 MS. ANDERSON: How about on the 23rd? Just a

1 couple of hours. I'm thinking it's going to be
2 days.

3 Is that a good day for you,
4 Mr. Goldstein?

5 JUDGE RILEY: I'm just worried about the
6 availability of witnesses on the 23rd because that's
7 Thanksgiving week.

8 MS. ANDERSON: You would be right, Judge.

9 MR. GOLDSTEIN: I can't make it the 29th or
10 30th, Judge, or the 1st.

11 MS. ANDERSON: So we're going into December at
12 this point.

13 MR. GOLDSTEIN: December 2nd is available.

14 MS. ANDERSON: That's on a Thursday?

15 JUDGE RILEY: Yes. That's also a Bench day.

16 MS. ANDERSON: What is a Bench day?

17 JUDGE RILEY: That means that the Commission
18 meets in open session.

19 MS. ANDERSON: This is not my turf, that's --

20 JUDGE RILEY: Oh, I understand.

21 MS. ANDERSON: -- why I'm asking.

22 JUDGE RILEY: But generally I have matters up

1 before the Commission and when you do have matters
2 up, you have to be prepared to answer questions
3 if they --

4 MS. ANDERSON: The only problem if you go into
5 the week of December 6th, I have a long trial on the
6 8th, which I may be able to arrange -- reschedule
7 for the following week.

8 JUDGE RILEY: Is it out the question to meet
9 prior to Thanksgiving, the week prior?

10 MS. ANDERSON: What day would you have in mind,
11 your Honor?

12 JUDGE RILEY: What was wrong with November 23?
13 Was someone not going to be available?

14 MR. GOLDSTEIN: If you want to set it for
15 1:00 o'clock in the afternoon, I'll be available.

16 JUDGE RILEY: November 23?

17 MR. GOLDSTEIN: Yeah.

18 MS. BARRAGAN: For evidentiary hearing?

19 JUDGE RILEY: 1:00 p.m.?

20 MS. BARRAGAN: Is it going to go past
21 4:00 o'clock?

22 JUDGE RILEY: I seriously doubt it.

1 MS. BARRAGAN: Okay. Then that would be fine,
2 then.

3 JUDGE RILEY: All right.

4 MR. GOLDSTEIN: The 23rd is fine.

5 JUDGE RILEY: All right. We'll do it on the
6 23rd.

7 MS. ANDERSON: I'm putting it down for
8 1:00 o'clock.

9 JUDGE RILEY: For hearing. That's for an
10 evidentiary hearing and the notice will so state.

11 MS. ANDERSON: And of course I will get this
12 e-mailed, a copy of the order e-mailed, is that
13 correct -- I mean on the electronic --

14 JUDGE RILEY: Oh, the electronic service,
15 absolutely, yes, it will be sent to you. I'll have
16 that sent to the Clerk's Office today.

17 And I encourage the parties to speak
18 in --

19 MS. ANDERSON: Oh, I would talk to --

20 JUDGE RILEY: -- the meantime to see if they can
21 find some kind of an accommodation.

22 MS. ANDERSON: I'll be happy to do that.

1 MR. GOLDSTEIN: That's perfectly fine. If
2 Ms. Anderson would reach out to me, I'll be more
3 than happy to speak to her about this.

4 MS. ANDERSON: I'll reach out to you.

5 MR. GOLDSTEIN: Pardon me?

6 MS. ANDERSON: I'll reach out to you.

7 JUDGE RILEY: Okay. Then we are continued from
8 today's date to November 23 at 1:00 p.m. for
9 hearing.

10 MS. ANDERSON: That's what I'm putting down,
11 Judge.

12 JUDGE RILEY: Right.

13 Thank you.

14 (Whereupon, the above-entitled
15 matter was continued to
16 November 23, 2010, 1:00 p.m.)
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